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Development Standards for attached or detached accessory buildings, ~~and uses as required by the Zoning District in which they are located.~~

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~~5-8. Utilities: An aAccessory dDwelling uUnit for an Owner or Employee~~ shall be connected to, and served by, the same water, sewer, electrical, water, and gas meters that serve the primary building. No separate utility lines, connections, or meters shall be allowed for an ~~aAccessory dDwelling uUnit for an Owner or Employee.~~

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~~6-9. Parking: A single-family dwelling with AaAn AaAccessory DdDwelling uUnit for an Owner or Employee~~ shall provide a minimum of ~~fourtwo (4)~~ off-street parking spaces located on a paved surface or approved driveway. A minimum of two (2) off-street parking spaces shall be designated for the use of those residing in the accessory dwelling unit. The number of off-street parking spaces shall not be less than the number of vehicles maintained on the property.

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~~10. Addresses: The single-family dwelling and accessory dwelling unit shall have unique addresses.~~

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~~11. Entrance: The entrance to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.~~

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~~12. Permit: Prior to issuance of a building permit, the owner of the property shall obtain an accessory dwelling unit permit from the city. An accessory dwelling unit shall not be authorized on a property that has outstanding ordinance violations or unpaid taxes.~~

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~~7-13. Compliance with adopted codes: The construction of an aAccessory DdDwelling Uunits for an Owner or Employee~~ shall meet all requirements of the adopted Building Code, ~~and other applicable city ordinances and regulations. as applicable.~~

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~~8. The architectural style, building materials and building colors of an Accessory Dwelling Unit for an Owner or Employee shall be found to be compatible and consistent with the architectural style, materials, and color of the primary building.~~

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~~9. Mobile homes, travel trailers, boats, or similar recreational vehicles shall not be used as an Accessory Dwelling Unit for an Owner or Employee.~~

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~~10. The Land Use Application approval for an Accessory Dwelling Unit for an Owner or Employee shall be received before a Building Permit is issued.~~

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~~11. As a condition of approval required to establish an Accessory Dwelling Unit for an Owner or Employee, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the Town, running in favor of the Town, which shall prohibit the rental, lease or sale of the Accessory Dwelling Unit for an Owner or Employee separately from the rental, lease or sale of the primary use or building. Proof that such deed restriction has been recorded shall be provided to the Planner prior to the issuance of the Certificate of Occupancy for the Accessory Dwelling Unit for an Owner or Employee.~~

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<a href="#">Accessory Dwelling Unit</a>		<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	<a href="#">P-1</a>	X	Formatted: Font: 10 pt

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### Existing Application Process

Application Type	AR	PC	TC	BOA
Appeal		X	X	
Building Permit	X			
Conditional Use Permit		X	X	
General Plan Amendment		X	X	
Land Disturbance	X			
Permitted Use 1	X			
Permitted Use 2	X	X		
Plat (Final)		X	X	
Plat (Preliminary)		X	X	
Road Cut	X			
Signage	X			
Site Plan (Commercial)		X	X	
SWPPP/NOI	X			
Site Plan (Residential)		X	X	
Temporary Use	X			
Variance				X
Zoning Map Amendment		X	X	
Zoning Text Amendment		X	X	

### Proposed Application Process

Application Type	AR	PC	TC	BOA
Appeal		X	X	
Building Permit	X			
Conditional Use Permit		X	X	
General Plan Amendment		X	X	
Land Disturbance	X			
Permitted Use 1	X			
Permitted Use 2	X	X		
Plat (Final)		X	X	
Plat (Preliminary)		X	X	
Road Cut	X			
Signage	X			
Site Plan (Commercial)		X	X	
SWPPP/NOI	X			
Site Plan (Residential)		X	X	
Temporary Use	X			
Variance				X
Zoning Map Amendment		X	X	
Zoning Text Amendment		X	X	

Note: Consolidate P-1 and P-2.

## CHAPTER 3

### Land Use Authorities and Other Officers

#### Section 301—Land Use Authorities Provided:

The Land Use Authorities identified by this Ordinance shall have responsibilities for administering and implementing the Vineyard General Plan and all Vineyard Town Land Use Ordinances, including this Ordinance, as allowed by LUDMA, and as provided herein.

#### Section 302—Vineyard Town Council:

1. **Powers and Duties.** For purposes of this Ordinance, the Vineyard Town Council shall:

1.1. Adopt amendments to the General Plan, and all elements of the General Plan.

1.2. Adopt amendments to the Land Use Ordinances, including this Ordinance.

1.3. Direct the Commission to prepare the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.

1.4. Direct the Commission to prepare all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.

~~1.5. Approve, approve with conditions, or deny all Conditional Use ("C") Applications.~~

~~1.6.1.5.~~ Act as an Appeals Authority, as provided by Chapter 26, herein.

~~1.7.1.6.~~ Render, or appoint a designee to render, a determination when an Applicant asserts a taking of property without just compensation, or has asserted some other constitutional invalidity, as provided by Chapter 27, herein.

~~1.8.1.7.~~ Establish a fee schedule by resolution for all Approvals, Permits, and Licenses required by the Town's Land Use Ordinances.

~~1.9.1.8.~~ Take such other action(s) as authorized by LUDMA, or required by this Ordinance, and not expressly delegated to any other Land Use Authority.

2. **Effective Date of Decisions.** All decisions of the Council, made under the authority of this Ordinance, shall take effect on the date of the meeting when the decision is made, unless a different date is designated in the rules of the Council, or a different date is designated by the Council at the time the decision is made.

3. **Council Meeting Minutes.** The approved minutes of Council meetings, attested to by a majority vote of the Council, shall constitute the official record of such meetings and shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the State of Utah Government Records and Access Management Act.

**Section 303—Vineyard Town Planning Commission:**

The Vineyard Planning Commission (hereinafter “Commission”) was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA.

1. **Powers and Duties.** The Commission shall be an advisory body to the Council on legislative matters pertaining to the Town’s General Plan and Land Use Ordinances. The Commission shall:

1.1. Prepare, or cause to be prepared, the General Plan, any proposed plan element, any amendments thereto, and to submit the proposed plan, element, or amendments to the Council.

1.2. Prepare or cause to be prepared all Land Use Ordinances, including this Ordinance, Zoning Districts Maps, Official Maps, and any amendments thereto, and to submit such Land Use Ordinances, or amendments thereto to the Council.

1.3. Review and recommend approval or denial of all Applications for a General Plan Amendment and Land Use Ordinance Amendment to the Council.

~~1.4. Review and approve, approve with requirements, or deny all Permitted Use (P-2) Applications.~~

~~1.5.1.4. Review and recommend to the Council approval, approval with conditions, or denial of all Conditional Use (C) Applications.~~  
Review and render a decision of approval, approval with conditions or denial regarding conditional use applications.

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~~1.6.1.5.~~ Review and recommend approval, approval with conditions, or denial of all Subdivision Applications to the Council, as authorized by the Vineyard Subdivision Ordinance.

~~1.7.1.6.~~ Determine and render a written interpretation of the boundary of a Zoning District, as provided by Section 203, herein.

~~1.8.1.7.~~ Act as an Appeals Authority, as provided by Chapter 26, herein.

~~1.9.1.8.~~ Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the Commission, for the consideration of Applications and for any other purposes deemed necessary by the Commission, provided that such bylaws, policies, and procedures are approved by the Council before taking effect.

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~~1.11.1.9.~~ Advise the Council on other matters, as the Council may direct.

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2. **Commission Membership, Appointment, Terms, Removal, and Vacancies.**

2.1. The Commission shall consist of five (5) REGULAR members AND UP TO THREE (3) ALTERNATES MEMBERS.  
(amended by Ordinance 2014-02; 4.23.2013)

2.2. Commission members shall be appointed by the Mayor, with the advice and consent of the Council.

2.3. Members of the Commission shall be residents of the Town of Vineyard. No member of the Commission shall be an elected official.  
(amended by Ordinance 2014-02; 4.23.2013)

2.4. All members of the Commission shall serve at the discretion of the Mayor and Council for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. Members' terms are to be staggered to so that no more than one (1) term shall expire each year on January 1. A Commission member shall not be automatically reappointed to a second term.

2.5. Commission members may be removed by the Mayor, with the advice and consent of the Council.

2.6. A Commission member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the Commission meetings in a calendar year are missed. If the absence of a Commission member is due to an extended illness or vacation, the Commission member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply.

2.7. Commission vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the Commission occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

### 3. Quorum and Necessary Vote.

~~4.3.1.~~ No meeting of the Commission shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the Commission being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the Commission. All actions of the Commission shall require the vote of a majority of the total members of the Commission. The Commission shall transmit reports of its decisions and recommendations to the Council. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Council.

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### ~~5.4.~~ Effective Date of Decisions.

~~5.4.1.~~ All decisions of the Commission shall become effective on the date of the meeting

when the decision is made unless a different date is designated in the rules of the Commission, or the Commission designates a different date when the decision is made.

**6.5. Meetings, Hearings, and Procedure.**

~~6.1.5.1.~~ The Commission shall establish a regular meeting schedule.

~~6.2.5.2.~~ Special meetings may be requested by a majority vote of the Commission, or by the chair of the Commission.

~~6.3.5.3.~~ When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available Commission meeting. The Recording Secretary shall notify all interested parties and all members of the Commission of the date when the Commission will hear the rescheduled matter.

**7.6. Commission Organization.**

~~7.1.6.1.~~ At an annual organizational meeting to be held as listed in the Commission's by-laws~~the first regular meeting in April~~, and at other times as required, the members of the Commission shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

~~7.2.6.2.~~ The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

**8.7. Commission Compensation.**

~~8.1.7.1.~~ Members of the Commission shall serve without compensation, except that the~~The~~ Council may fix per diem compensation for members of the Commission, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to Commission members for actual expenses incurred, upon presentation of proper receipts and vouchers.

**9.8. Commission Members Volunteers.**

~~9.1.8.1.~~ Members of the Commission shall be deemed "volunteers" for the purposes of Town Ordinances, rules, regulations, and policies concerning personnel, provided however, Commission members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

**10.9. Commission Recording Secretary.**

~~10.1.9.1.~~ The Mayor shall assign the Town Recorder, or designee, to act as the Recording Secretary to serve the Commission. The Recording Secretary shall keep the



minutes of all proceedings of the Commission, which minutes shall be the official record of all proceedings before the Commission, attested to by a majority vote of the members of the Commission. The minutes of all meetings of the Commission shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.

~~10.2.9.2.~~ The Recording Secretary shall be compensated as approved by the Council.

**Section 304—Vineyard Town Board of Adjustment:**

The Vineyard Board of Adjustment (hereinafter the “BOA”) was heretofore created and established pursuant to LUDMA, or prior enactments of LUDMA.

**1. Powers and Duties.** The BOA shall:

- 1.1. Provide suggestions to the Council and Commission amendments to the General Plan, as the BOA considers necessary.
- 1.2. Provide suggestions to the Council and Commission amendments to any Land Use Ordinances, including amendments to any Zoning Districts Maps and Official Maps, as the BOA considers necessary.
- 1.3. Review and approve, approve with requirements, or deny Applications for a Variance from the terms of this Ordinance, with a finding of an unreasonable hardship, as required by LUDMA, and as provided by Chapter 23, herein.
- 1.4. Render a decision on a determination of a legal nonconforming use, as provided by Chapter 21, herein.
- 1.5. Render a decision on a determination of a legal noncomplying structure, as provided by Chapter 21, herein.
- 1.6. Render a decision on any other legal nonconformity, as provided by Chapter 21, herein.
- 1.7. Adopt bylaws, policies, and procedures for the conduct of the duties and meetings of the BOA, for the consideration of Applications and for any other purposes deemed necessary by the BOA provided, that such bylaws, policies, and procedures shall first be approved by the Council before taking effect.

**2. No Authority.** The BOA shall have no power, jurisdiction or authority to consider any of the following:

- 2.1. To hear any waivers or modifications to any of the standards governing the approval of a General Plan Amendment Application or any Land Use Ordinance Amendment Application.
- 2.2. To hear any amendments, waivers or modifications to the General Plan, any element or map thereof, or any provision or requirement of any Land Use Ordinance, including any

Zoning Districts Maps and Official Maps.

2.3. To make any decisions or determinations that would have the effect of authorizing a use, which is not identified in the Tables of Uses, Chapter 32 herein.

2.4. To hear or decide any matter or Application not expressly identified herein.

### **3. BOA Membership, Appointment, Terms, Removal, and Vacancies.**

3.1. The BOA shall consist of five (5) members.

3.2. BOA members shall be appointed by the Mayor, with the advice and consent of the Council.

3.3. Members of the BOA shall be residents of Vineyard. No member of the BOA shall be an elected official or employee of Vineyard.

3.4. All members of the BOA shall serve at the discretion of the Mayor and Council for a term of four (4) years. No member shall serve more than two (2) consecutive terms. Terms shall begin on January 1 of each calendar year. Members' terms are to be staggered so that no more than one (1) term shall expire each year on January 1. A BOA member shall not be automatically reappointed to a second term.

3.5. BOA members may be removed by the Mayor, with the advice and consent of the Council.

3.6. A BOA member may be removed by the Mayor, with the advice and consent of the Council, if three (3) consecutive or twenty-five (25) percent of the BOA meetings in a calendar year are missed. If the absence of a BOA member is due to an extended illness or vacation, the BOA member is responsible to provide written notice to the Mayor prior to the time the absence will occur. If such notice is given, these removal requirements do not apply.

3.7. BOA vacancies occurring for any reason shall be filled by the Mayor, with the advice and consent of the Council. Vacancies on the BOA occurring in ways other than through the expiration of terms shall be filled for the remainder of the unexpired term.

### **4. Quorum and Necessary Vote.**

4.1. No meeting of the BOA shall be called to order, nor may any business be transacted without a quorum consisting of at least three (3) members of the BOA being present. The chair shall be included for the purposes of establishing a quorum and shall act as a voting member of the BOA. All actions of the BOA shall require the vote of a majority of the total members of the BOA. The BOA shall transmit reports of its decisions and recommendations to the Council. Any member of the BOA may also make a concurring or dissenting report or recommendation to the BOA.

**5. Effective Date of Decisions.**

5.1. All decisions of the BOA shall become effective on the date of the meeting when the decision is made unless a different date is designated in the rules of the BOA, or the BOA designates a different date when the decision is made.

**6. Meetings, Hearings, and Procedure.**

6.1. The BOA shall establish a regular meeting schedule.

6.2. Special meetings may be requested by a majority vote of the BOA, or by the chair of the BOA.

6.3. When a matter is postponed due to lack of a quorum, the chair shall reschedule the matter to the next available BOA meeting. The Recording Secretary shall notify all interested parties and all members of the BOA of the date when the BOA will hear the rescheduled matter.

**7. BOA Organization.**

7.1. At an annual organizational meeting to be held the first regular meeting in April, and at other times as required, the members of the BOA shall elect one (1) of their members as chair and one (1) of their members as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair and vice-chair shall serve a term of one (1) year. No member shall serve as chair for more than two (2) consecutive terms.

7.2. The chair, or in the chair's absence the vice-chair, shall be in charge of all proceedings before the Commission, and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Commission.

**8. BOA Compensation.**

8.1. Members of the BOA shall serve without compensation, except that the Council may fix per diem compensation for members of the BOA, based on necessary and reasonable expenses and on meetings actually attended. The Council shall provide for reimbursement to BOA members for actual expenses incurred, upon presentation of proper receipts and vouchers.

**9. BOA Members Volunteers.**

9.1. Members of the BOA shall be deemed "volunteers" for the purposes of Town Ordinances, rules, regulations, and policies concerning personnel, provided however, BOA members shall be included in the definition of "employee" for the purposes of the Utah Governmental Immunity Act.

**10. BOA Recording Secretary.**

10.1. The Mayor shall assign the Town Recorder, or designee, act as the Recording Secretary to serve the BOA. The Recording Secretary shall keep the minutes of all proceedings of the BOA, which minutes shall be the official record of all proceedings before the BOA, attested to by a majority vote of the members of the BOA. The minutes of all meetings of the BOA shall be filed in the office of the Town Recorder. All such records shall be available for public review and access in accordance with the Government Records and Access Management Act.

10.2. The Recording Secretary shall be compensated as approved by the Council.

**Section 305—Vineyard Town Planner:**

The Mayor, with the advice and consent of the Mayor and Council, shall designate a person to carry out the administrative responsibilities of the Town's Land Use Ordinances, including this Ordinance. The person so designated shall be known as the Town Planner, and may be referred to herein as the "Planner."

**1. Powers and Duties.** The Planner shall:

1.1. Ensure all procedures and provisions of the Town's Land Use Ordinances are consistently and equitably applied.

1.2. Approve, approve with requirements, or deny the following Applications:

1.2.1. All Temporary Use (T) Applications.

1.2.2. All Permitted Use (P-1) Applications.

1.3. Render interpretations of the text of this Ordinance, as provided by Section 202, herein.

1.4. Carry out and complete Determinations of Application Completeness, as provided by Section 1206, herein.

1.5. Carry out all other functions, duties, tasks, and actions, as identified herein.

**Section 306—Vineyard Town Development Review Committee:**

1. **Establishment.** A Development Review Committee (hereinafter identified as the "DRC") may be established and created by the Mayor, with the advice and consent of the Council.

2. **Purpose.** The purpose of the DRC is to assure that any proposed use, activity, building or structure is consistent with the General Plan and complies with all requirements of the Town's Land Use Ordinances, including this Ordinance, and all other applicable Ordinances and requirements.

3. **Membership.** The DRC shall consist of persons representing Town Departments, and other persons, as may be designated by the Mayor, responsible for reviewing and coordinating Applications for any Land Use Application Approval, Permit, or License.

4. **Powers and Duties.** The DRC shall act under the direction of the Mayor and shall have the following duties and responsibilities:

4.1. Before a Land Use Authority considers any Permitted Use (P-2) or Conditional Use (C) Applications, the DRC shall review the Application to determine compliance of the Application with the General Plan and all applicable Ordinances.

4.2. The DRC shall provide a report to the Land Use Authority identifying compliance of any Permitted Use (P-2) or Conditional Use (C) Application with the General Plan and all applicable Ordinances prior to review and decision by a Land Use Authority.

4.3. The DRC may provide a report to the Planner for any Temporary Use (T) or Permitted Use (P-1) Application identifying compliance with the General Plan and all applicable Ordinances prior to review and decision by the Planner.

4.4. The DRC may present findings for consideration by the Land Use Authority in the review and decision of any Application for any Approval, Permit, or License.

5. **Conduct of Meetings.** The DRC shall establish procedures for the conduct of DRC meetings, the scheduling of meetings, field trips, and any other DRC matters, such procedures being reviewed and approved by the Mayor before taking effect.

**Section 307—Support:**

The officers and staff of the Town shall provide support and assistance to the Town's Land Use Authorities, as may be required from time to time.

**Section 308—Public Meetings and Public Hearings:**

All meetings and hearings of all Land Use Authorities, identified herein, shall comply with the provisions of this Ordinance, and all other applicable Ordinances for such meetings and hearings, and the requirements of LUDMA and the Utah Code Annotated, as amended, for open and public meetings.

**Section 309—Provision of Administrative Guidelines:**

The Council may provide guidelines, standards, reference materials, forms, or other documents to assist the Land Use Authorities and Planner in the administration, implementation and interpretation of this Ordinance, and all other Land Use Ordinances.

**Section 310—Computation of Time:**

All times, identified herein, shall be computed using calendar days, except that if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded and time computed to the next regular business day following the Saturday, Sunday or legal holiday. The time within which an act is to be done shall be computed by excluding the first day and including the last day.

**Section 311—Fractional Numbers:**

In determining compliance with the numerical requirements of this Ordinance any computation or measurement resulting in a fractional number, except density calculations shall be rounded to the

nearest whole number. Density calculations shall be rounded down to the nearest whole number.

**Section 312—Procedural Irregularities:**

1. **Validity of Action.** Notwithstanding any provision of this Ordinance which sets forth a procedure for any matter herein, no decision, action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to an Application, notice, decision, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:

- 1.1. The procedure is required by State or Federal law; and

- 1.2. In an examination of the entire circumstances, including the evidence on record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:

- 1.2.1. Had the error not occurred the decision made pursuant to the procedure would have been different; and

- 1.2.2. Because of the error, the complainant suffered an injury for which relief must be given.

2. **Presumption of Validity.** The court shall presume that a decision or action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial, or that an injury occurred. The complainant shall have the burden of proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

**Section 313—Determination of Completeness of Land Use Applications:**

A Land Use Application is considered submitted and complete on the date the Planner determines the Application Complete, as provided by Section 1206, herein, and determines that the Application complies with the requirements of the applicable Land Use Ordinances and all applicable fees have been paid.

**Section 314—Continuing Validity of Land Use Application Approvals:**

1. The validity of an approval of a Land Use Application shall terminate one hundred eighty (180) days from the date of the approval by the Land Use Authority, unless an alternative date is specifically provided by the applicable Land Use Ordinance, or the Applicant has proceeded within one hundred eighty (180) days from the date of approval with reasonable diligence to implement the approval.
2. The validity of an approval of a Land Use Application shall expire and shall be invalid and null and void within one hundred eighty (180) days from the date of approval by the Land Use Authority or after the expiration of the time provided by the alternative date, as provided by the applicable Land Use Ordinance.
3. An approval by a Land Use Authority shall be invalid and null and void if a use is conducted, or a building or structure is established in violation of any requirements of all Land Use Ordinances,

requirements, or conditions of approval.

**Section 315—Land Use Authority Compliance with Land Use Ordinances:** Each Land Use Authority of the Town, as identified herein, shall comply with the terms and standards of all applicable Land Use Ordinances, including this Ordinance, and shall comply with the mandatory provisions of such Land Use Ordinances.

**Section 316—Land Use Approvals Required to Comply with Land Use Ordinances:**

The approval of any Land Use Application shall continue to comply with all requirements, conditions, terms and standards of approval, as required by the Land Use Authority, and shall continue to comply with the requirements of all Land Use Ordinances.

**Section 317—Acquiring Property:**

1. The Town may acquire property through purchase, gift, voluntary dedication, or eminent domain.
2. The Town may require the dedication and improvement of a street or other facility if the street or other facility is found necessary by the Town because of a proposed development.

**Section 318—Exactions:**

A Land Use Authority may impose an exaction, or exactions, on a Land Use Application if:

1. An essential link exists between a legitimate governmental interest and each exaction; and
2. Each exaction is roughly proportionate, both in nature and in extent, to the impact of the proposed development.

## Land Use Application Procedures

### Section 1201—Purpose:

**CHAPTER 12** Land Use Applications and Application review procedures are provided to achieve the purposes of the General Plan and the Town's Land Use Ordinances, including this Ordinance.

### Section 1202—Applicability:

A Land Use Application and/or Building Permit Application, as applicable, shall be required for the establishment of all uses, expansion of uses, and construction or modifications for all buildings and structures located within the Town, unless exempt, as provided by the Land Use Ordinances or adopted Building Codes. All Land Use and Building Permit Applications shall be presented to the Town on the applicable Application(s), provided by the Town. ~~The type of Application presented is at the sole discretion of the Applicant.~~

### Section 1203—Application Forms and Procedures:

The Council and/or Planner shall provide Application Forms and may identify submittal requirements and processing procedures for the acceptance and filing of all Applications required by the Land Use Ordinances and adopted Building Codes.

### Section 1204—Permits Required:

1. All requirements of the Town's Land Use Ordinances and Building Codes, as applicable, shall apply to all uses, buildings or structures located, or proposed, within the Town.
2. No use, building, or structure shall be commenced or occupied unless and until all necessary Approvals, Permits, and Licenses have been issued in accordance with all requirements of the Land Use Ordinances and/or Building Codes, as applicable.

### Section 1205—Development Application-Initiation:

The procedures for any required Approval, Permit, or License shall be initiated by submitting the appropriate Land Use Application to the Planner.

### Section 1206—Determination of Application Completeness:

After the receipt of a Land Use Application, the Planner shall determine if the Application is complete (Figure 12-1). If the Planner determines the Application complete, the Application review procedures may be commenced. If the Planner determines that the Application is incomplete, the Planner shall notify the Applicant in writing, identifying the Application deficiencies, and advising the Applicant that no action will be taken by the Land Use Authority, as applicable, until all Application deficiencies have been corrected (Figure 12-1).



**Section 1207—Remedying Application Deficiencies:**

If the Applicant fails to correct any and all Land Use Application deficiencies within thirty (30) days from the date of written notification by the Planner, the Application shall be deemed withdrawn and shall be returned to the Applicant by the Planner. Any Application Fees paid shall also be returned to the Applicant.

**Section 1208—Payment of Taxes and Charges Required:**

All Approvals, Permits, or Licenses may be conditioned by the Land Use Authority, as applicable, so that no Approval, Permit, or License is issued, or becomes effective, until all delinquent taxes and charges have been paid to the date of approval.

**Section 1209—Withdrawal of Application:**

An Applicant may withdraw a Land Use Application at any time prior to a Land Use Authority decision on the Application. Application fees shall not be refundable if ~~prior to withdrawal~~:

1. A review of the Application by the Planner or DRC has commenced; or
2. Required notice of a public hearing or public meeting to consider the Application with the Land Use Authority has been provided.

**Section 1210—Amendment of an Existing Approval:**

Amendments to any existing Approval, Permit, or License issued under the authority of the Town's Land Use Ordinances and Building Codes shall be reviewed in accordance with the procedures established for the review of the Approval, Permit, or License in the first instance.

**Section 1211—Reapplication Following Application Denial:**

If a Land Use Application is denied for failure to meet the requirements of the Land Use Ordinances and Building Codes, a Land Use Application for all or any part of the same property shall not be considered by a Land Use Authority for a period of at least one (1) year from the date of denial, unless the subsequent Land Use Application is substantially different from the previously denied Application, the prior denial was based upon a mistake of fact, or on a motion duly passed by the Council to act immediately and identifying a valid public purpose.

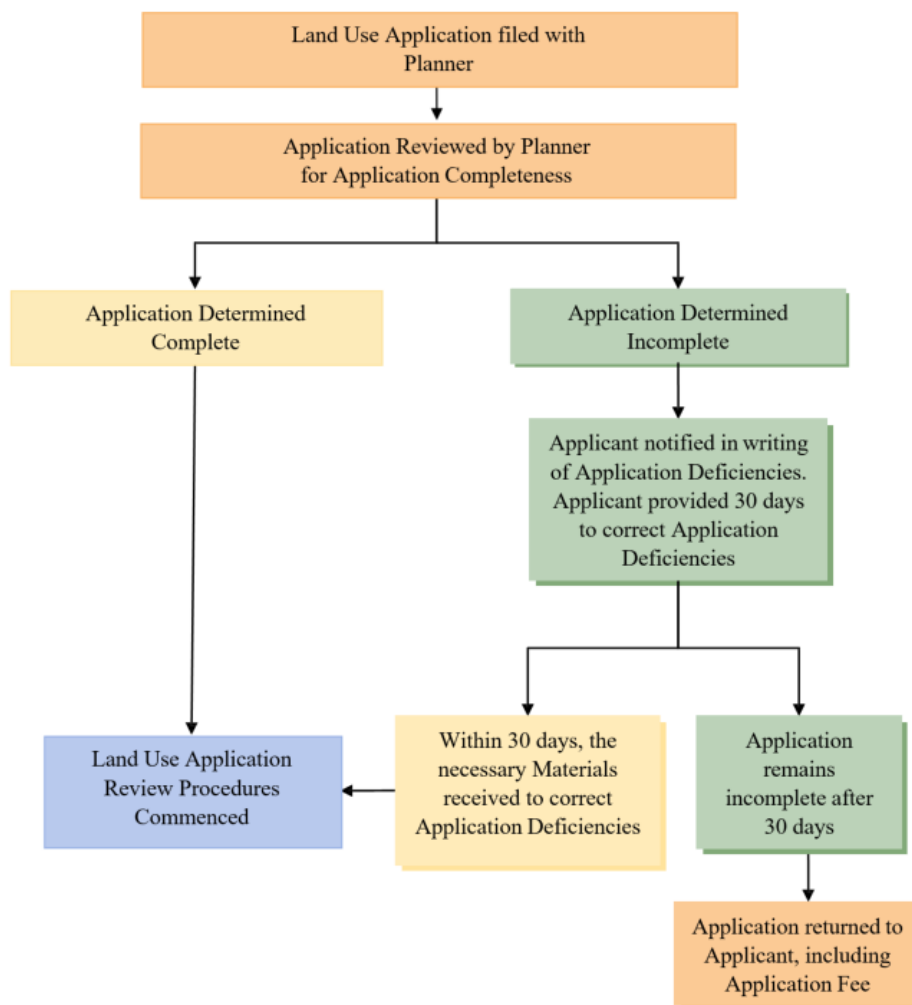
**Section 1212—Inspections:**

In order to review information relevant to an Application, a Land Use Authority, the Planner, and/or other Town Staff may enter upon any land at reasonable times to make examinations and surveys related to the Application.

**Section 1213—Fee Schedule:**

The Council shall establish, by resolution, a fee schedule for the processing and review of all Land Use Applications required by the Town's Land Use Ordinances, and designed to recover the actual or anticipated costs for the processing of the Land Use Application, which fee schedule may be amended from time to time by resolution of the Council. The fee schedule for the processing and review of all Land Use Applications may include a Processing Fee and an Application Fee. Processing and Application Fees shall not be required for Land Use Applications initiated by a Land Use Authority.

**FIGURE 12-1**  
**Procedures for Determination of Application Completeness**



#### Section 1401—Purpose:

This Chapter identifies and provides the procedures for the review of pPermitted uUse aApplications (identified as “P-1” and “P-2” uUses) in Chapter 32 the Table of Uses. The requirements for pPermitted uUse aApplication review and approval are provided herein.

#### Section 1402—Authority:

1. The pPlanner is hereby authorized to review and render a final decision for all pPermitted (P-1) uUse aApplications, in accordance with the requirements of this Chapter.
2. The Commission is hereby authorized to review and render final decision for all Permitted (P-2) Use Applications, in accordance with the requirements of this Chapter.

#### Section 1403—Initiation:

All requests to establish a pPermitted uUse, either a (P-1) or (P-2) Use, as identified in the Table of Uses, shall be made on an n Permitted Use aApplication, as provided by the tTown, which may include a Building Permit Application. Additional permits will be required for new construction or modification to existing site conditions or buildings. The property owner, or other person accompanied by a property owner affidavit of authorization, A property owner may present a Permitted Use Application for review and decision or an agent of the property owner, or a lessee of the property, may submit present an Permitted Use Application for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

#### Section 1404—Application Requirements:

Applications for a pPermitted (P-1) Use or a Permitted (P-2) uUse are required to comply with all requirements of this Chapter and other applicable requirements this Ordinance, and including the requirements for a Building Permit, as applicable, and all other applicable requirements. All pPermitted uUse aApplications shall be determined complete by the pPlanner, as provided by Section 1206, herein. For pPermitted uUse aApplications determined to be incomplete, the Planner shall comply with the requirements of Section 1207, herein.

#### Section 1405—Review and Approval Procedures—Permitted (P-1) Use Applications:

The procedures for the review of a pPermitted (P-1) uUse aApplication are identified by Figure 14-1 herein.

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#### Section 1406—Permitted (P-1) Use Application Requirements:

All Permitted (P-1) Use Applications shall include and provide the following information:

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1. A completed Permitted (P-1) Use Application, as provided by the Town.
2. Five (5) 11 inch x17 inch size copies of a An electronic PDF Site Plan, identifying the location of all proposed uses, buildings and structures, and drawn at a scale as required by the Planner, identifying the following:

2.1. The location and dimension of the property boundaries and all proposed and existing uses, buildings and structures, and all existing buildings or structures located on the property.

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2.2. The location existing buildings located within one hundred (100) feet of the

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subject property's boundary.

~~2.2.2.3.~~ The setbacks requirements, as required by the Zoning District in which the proposed and existing uses, buildings and structures are located, and the exterior dimensions of all proposed buildings and structures.

2.4. The location of all proposed and existing roads and streets serving the property, ~~or proposed to serve the property, and~~ including any Permits as required by Utah County or the Utah Department of Transportation, ~~as applicable.~~

2.5. The location and dimension of all proposed and existing pedestrian and biking facilities, including sidewalks and trails.

2.6. The location and dimension of all existing natural property features including streams, drainage ways, flood plains, and wetlands.

~~2.3.~~

~~2.4.2.7.~~ The layout and location and dimensions of all proposed and existing and proposed ingress and egress points and off-street parking.

~~2.5.2.8.~~ All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.

2.9. The location of all existing or proposed fences and walls, identifying height and materials shall be shown.

~~2.6.2.10.~~ The location of all proposed and existing landscaping as required in chapter 20 of this code.

2.11. Additional plans and drawings required to meet the adopted Building Code, as may be applicable.

~~2.7.~~

#### **Section 1407—Approval Standards for a Permitted (P-1) Use Application by the Planner:**

The planner shall review the permitted ~~(P-1) u~~se application and determine if the application and associated, ~~from the materials presented by the Applicant~~ complies with the following:

1. The proposed use is an allowed permitted (P-1) use within the zoning district.
2. The proposed permitted ~~(P-1) u~~se and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the zoning District.
3. Complies with all site plan requirements as may be applicable, as provided herein.

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4. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.

**Section 1408—Required Findings for Approval or Denial ~~of a Permitted (P-1) Use Application by the Planner:~~**

1. If the Planner finds that the Permitted ~~(P-1)~~ Use Application complies with all requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted ~~(P-1)~~ Use Application shall be approved, with or without use and/or site plan modifications required to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Permitted ~~(P-1)~~ Use Application, with or without modifications, a Building Permit Application may be reviewed and a Building Permit issued if such Application is found to comply with the Building Code, as adopted.
2. If the Planner finds that the Permitted ~~(P-1)~~ Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted ~~(P-1)~~ Use Application shall be denied and no Approval, Permit, or License issued by the Town, including a Building Permit.

**Section 1409—Review and Approval Procedures ~~—Permitted (P-2) Use Applications:~~**

The procedures for the review of a Permitted (P-2) Use Application are identified by Figure 14- 2 herein.

**Section 1410—Permitted (P-2) Use Application Requirements:**

~~All Permitted (P-2) Use Applications shall include and provide the following information:~~

~~1. A completed Permitted (P-2) Use Application, as provided by the Town.~~

~~2. Five (5) original copies of Site and Building Plans, as applicable, drawn at a scale as required by the Planner, and prepared by a Licensed engineer or architect, plus fifteen (15) 11-inch x 17-inch reduced copies, identifying the location of all proposed uses, buildings and structures, and identifying the following:~~

~~2.1. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the property, and existing buildings located within one hundred (100) feet of the property.~~

~~2.2. Existing property lines and existing fence lines.~~

~~2.3. The location and dimension of all existing natural property features including streams, drainage ways, flood plains, and wetlands.~~

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- ~~2.4. Existing topography of the property, including the existing grade, and identifying the proposed finished grade of the site shown as required by the Planner or Town Engineer.~~
- ~~2.5. The setbacks requirements, as required by the Zoning District in which the proposed uses, buildings and structures are located and the exterior dimensions of all proposed buildings and structures.~~
- ~~2.6. The location of all roads and streets serving the property, or proposed to serve the property, and including any Permits as required by Utah County or the Utah Department of Transportation, as applicable.~~
- ~~2.7. The location and dimension of all proposed ingress and egress points, off street parking, and loading areas, including the total number of off street parking and loading spaces.~~
- ~~2.8. The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.~~
- ~~2.9. All public and private rights of way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.~~

~~3. Located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by the Applicant, or as required by the Planner for readability, the following information shall be provided:~~

- ~~3.1. **Utility and Streets Plans.** All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the Town, or other agencies, as applicable, and prepared by a Licensed engineer, at a scale acceptable to the Planner. Access to all utilities and points of utilities connections shall be shown.~~
- ~~3.2. **Landscape Plan(s).** Landscape plan(s) shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.~~
- ~~3.3. **Fences and Walls.** The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.~~
- ~~3.4. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the adopted Building Code, as may be applicable. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This~~

information shall include a proposed building materials and colors board including color chips and material samples.

~~3.5. **Site and Building Signage Plans.** Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.~~

~~3.6. **Site and Building Lighting Plans.** Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.~~

~~3.7. **Mechanical Equipment and Solid Waste Facilities.** The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.~~

~~3.8. **Erosion Control Plan(s).** Information and plans identifying proposed temporary and permanent erosion control measures.~~

~~3.9. **Construction Plans.** Information shall be provided identifying the phases of construction, a construction schedule, and a list of all Permits necessary for the proposed use(s), as applicable.~~

~~**Section 1411—Approval Standards for a Permitted (P-2) Use Application by the Commission:**~~

~~The Commission shall review the Permitted (P-2) Use Application and determine if the Application, from the materials presented by the Applicant complies with the following:~~

- ~~1. The proposed use is an allowed (P-2) Use within the Zoning District.~~
- ~~2. The proposed Permitted (P-2) Use and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side yard setbacks, building and structure height, and all other requirements applicable in the Zoning District.~~
- ~~3. Complies with all Site Plan requirements as may be applicable, as provided herein.~~
- ~~4. Complies with all applicable dedication requirements of the Town and provides the necessary infrastructure, as required.~~

~~**Section 1412—Required Findings for Approval or Denial of a Permitted (P-2) Use Application by the Commission:**~~

- ~~1. If the Commission finds that the Permitted (P-2) Use Application complies with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-2) Use Application shall be approved, with or without use~~

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and/or site plan modifications required to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Permitted (P-2) Use Application, with or without modifications, a Building Permit Application may be reviewed and a Building Permit issued if such Application is found to comply with the Building Code, as adopted.

2. If the Commission finds that the Permitted (P-2) Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Permitted (P-2) Use Application shall be denied and no Approval, Permit, or License issued by the Town, including a Building Permit.

**Section 14103—Effect of Approval:**

Approval of a Permitted (P-1) Use Application by the Planner, or a Permitted (P-2) Use Application by the Commission shall authorize the establishment of the approved Permitted Use, subject to any site plan modifications or requirements as may be necessary to comply with this Ordinance, other Land Use Ordinances, or other Ordinances of the Town. Approval of a Permitted (P-1) Use Application or a Permitted (P-2) Use Application shall not be deemed an Approval of any other Application, Permit, or License.

**Section 14114—Appeal of a Permitted Use Decision of the Planner or Commission:**

Any person aggrieved by a decision of the Planner regarding a Permitted (P-1) Use Application, or Commission regarding a Permitted (P-2) Use Application, may appeal the decision, as provided by Chapter 26, herein.

**Section 14125—Permitted (P-1) Use and Permitted (P-2) Use Approval Amendment:**

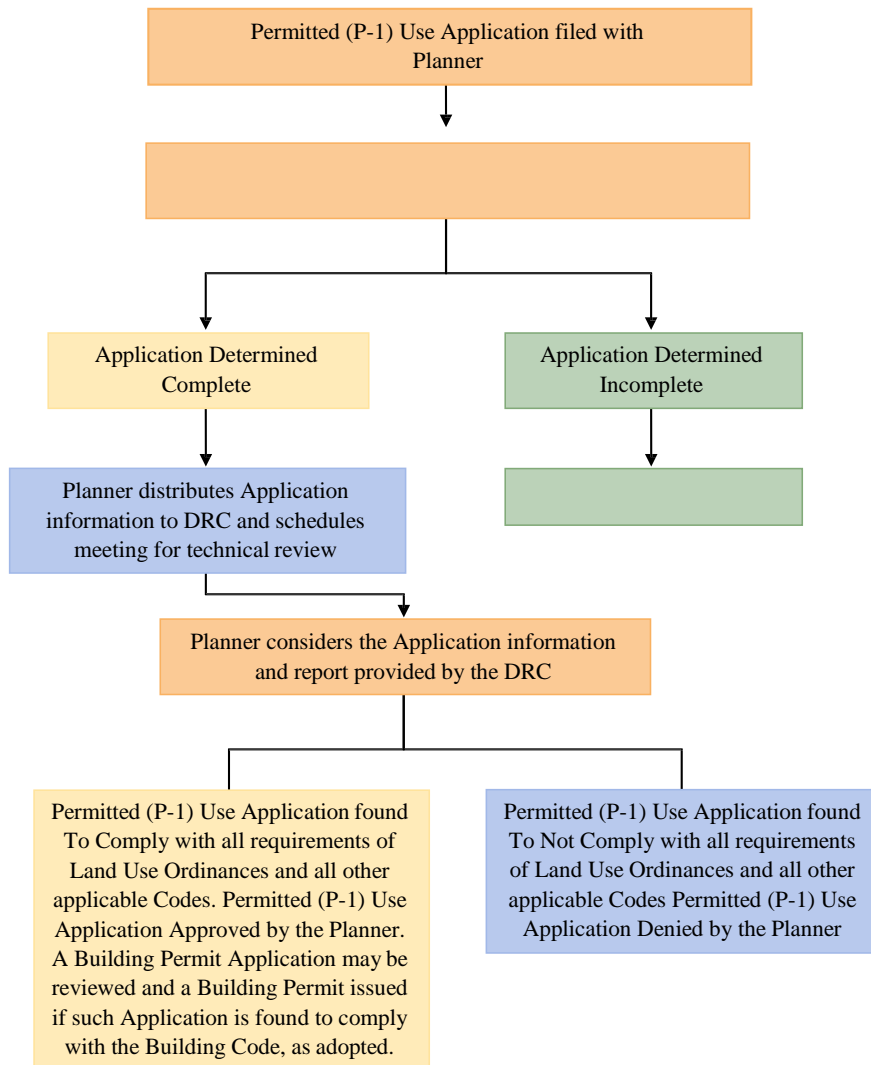
The procedure for amending any Permitted (P-1) Use or Permitted (P-2) Use Application approval shall be the same procedure as required to approve the Permitted Use Application in the first instance.

**Section 14136—Expiration of Permitted (P-1) Use and Permitted (P-2) Use Approval:**

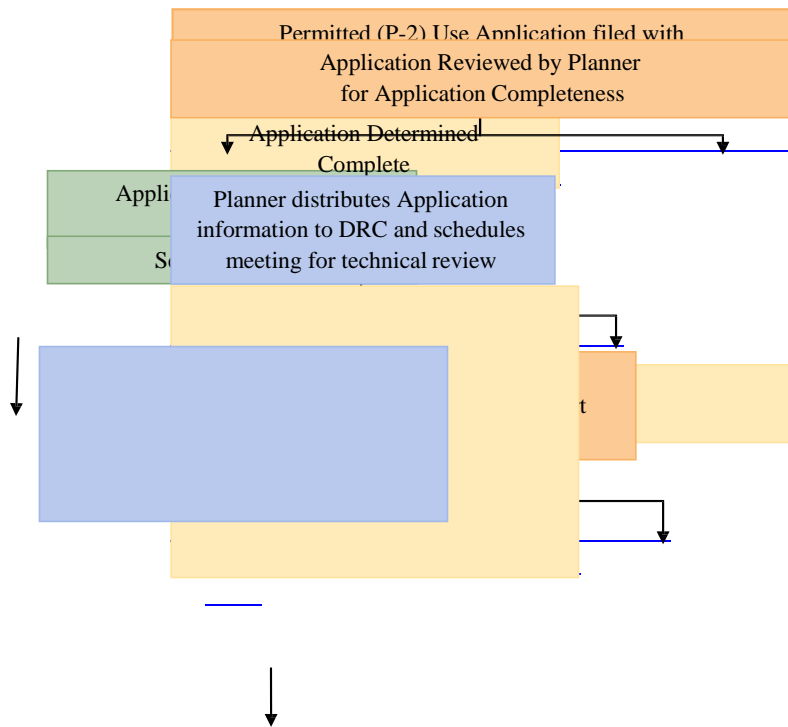
A Permitted (P-1) Use or Permitted (P-2) Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one hundred eighty (180) days from date of approval, the approval shall be void and a new Permitted Use Application required.



**Figure 14-1**  
**Permitted (P-1) Use Application Procedures**



**Figure 14-2 Permitted (P-2) Use Procedures**



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# **Town of Vineyard Planning Commission Bylaws**

*Planning Commission recommended approval of bylaws on July 6, 2016  
Town Council approved bylaws on July 27, 2016*

## **ARTICLE 1:**

### **Purpose:**

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to members of the Town of Vineyard Planning Commission in performing their duties.

### **Name:**

The Planning Commission shall be known as the Town of Vineyard Planning Commission, hereinafter referred to as the "Commission".

### **Planning Commission Powers and Duties:**

The Commission shall make recommendations (and make decisions within delegated authorities) to the Mayor and Town Council for:

- A. A General Plan and amendments to the General Plan;
- B. Land use ordinances, zoning maps, plats, official maps, and amendments;
- C. Conditional uses, commercial and residential site plans and subdivisions; and
- D. Other similar procedures, documents, processes.

## **ARTICLE 2:**

### **Membership, Appointment, Compensation, and Attendance:**

- A. Membership: The Commission shall be comprised of five (5) members and 1-3 alternate members. These members are appointed by the Mayor with the advice and consent of the Town Council from among residents of Vineyard. These members serve at "the pleasure" of the Mayor. Each member has full voting rights regarding matters brought before the Commission for recommendation and/or decision. Alternate members temporarily fill in for a member when the member is not in attendance. Alternate members only exercise their right to vote when acting in the place of a member
- B. Appointment: Members of the Commission shall serve for a term of four years, or until their successor is appointed. Members may serve a maximum of two consecutive terms. Alternate members shall serve no more than two consecutive terms, however, an alternate member who

subsequently becomes a member shall not be prevented from serving two consecutive terms in that newly appointed capacity. Vacancies shall be filled for the remainder of any unexpired term. Being appointed to an unexpired term shall not be counted towards the maximum number of years or terms.

- C. Compensation: Members of the Commission, including alternates, shall serve without compensation except for reimbursement for duly approved and authorized expenses and/or per diem for each meeting attended.
- D. Attendance: Members shall attend all meetings except in such circumstances such as illness, vacations, work-related travel, and other approved absences. The Chair may excuse a member for up to three regular Commission meetings. If a member is absent more than three consecutive times and has failed to notify the Commission Chair in advance, to obtain approval for said absences, such absences may be considered non-performance of duty and can place the member subject to being removed and replaced, upon recommendation of the Chair to the Mayor.

## **ARTICLE 3:**

### **Meetings:**

- A. Regularly scheduled Commission meetings will be held on the first and third Wednesdays of each month (unless such date is a recognized holiday), and will regularly be convened at the Vineyard Town Hall, unless otherwise designated, in advance, by the Commission Chair. A meeting so convened, may be reconvened (moved) by the Commission to another place for the purpose of accommodating more attendees, investigating some particular matter of business at a specific site, etc.
- B. In order to conduct official business a quorum of members needs to be present. A quorum is considered to be at least half of the members and/or alternate members present. A quorum is necessary to vote, make decisions and or recommendations and other transactions assigned to the Commission. If, on occasion, a member recuses him/herself from a matter under consideration, and the result is a number of members less than a majority, a quorum shall be deemed to exist. Members may participate and be counted as present by electronic means.
- C. Regular Meetings: A regular meeting is a scheduled meeting in which the normal business of the Commission is conducted. A regular meeting is open to the public, proceedings are recorded and minutes are taken.
  - 1. Workshops: A workshop is a meeting where the Commission can discuss various or specific issues and/or conduct training, but where no decisions/recommendations shall be made regarding any item or issue. The workshop meeting is open to the public, however no public comments are taken. Proceedings shall be recorded and minutes shall be taken.
  - 2. Special Meetings: A special meeting is a meeting where business of the Commission is conducted outside the regular meeting time/schedule. Notice is given to each Commission member and alternate at least 24 hours prior to such meeting. Special meetings are open to the public, proceedings shall be recorded and minutes shall be taken.

3. Closed Meetings: Closed Commission meetings may be held as part of a regular meeting or as part of a special meeting to discuss matters of a confidential nature. The Commission must have a roll call vote to enter into and out of a closed meeting. The closed meeting is not open to the public. Proceedings of this meeting are recorded and must strictly comply with the Utah Code Title 52, Chapter 4, Sections 204-206.
4. Field Trips: When site inspections/visits are deemed advisable, field trips may be held at a convenient time determined by the majority of the Commission. The time/dates of the field trip shall be posted. Only Commission Members (and/or alternates) and pertinent staff shall be allowed to visit the specific site in question. The public shall be allowed at the general sites of the field trip but are encouraged to present their case at the Commission meeting, not during the field trip. Field trips are for the purpose of gathering information, not for making decisions or for addressing specific issues of public concern.

## **ARTICLE 4:**

### **Organization and Officers:**

- A. Chair, Vice Chair and Chair Pro-Temp: The Commission, at its first regularly scheduled meeting in January of each year, shall elect a Chair and Vice Chair. The Chair shall preside at all meetings of the Commission and shall provide general Commission guidance, order and direction. The Chair will also be recognized as the head of the Commission for all administrative and ceremonial purposes and as such will interface with the Mayor and Town Council to conduct the business of the Commission. It is the duty of the Chair to enforce observance of the rules of procedure, to decide all questions of order, to offer for consideration all motions properly made, to assign specific duties to the members of the Commission, to call all special meetings, to appoint all necessary committees and perform such other duties as the office may require. Under normal circumstances, the Chair will make no motion or amendment to a motion. No member shall serve as Chair for more than two consecutive years. In the absence of the Chair, the Vice Chair shall preside over the meeting and assume all of the regularly assigned duties of the Chair. In a case where the Chair becomes unable to continue in the role as Chair, the Vice Chair shall succeed to the office of Chair for the remainder of the current term. In the case that the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special election shall be held at the next regularly scheduled Commission meeting to fill that vacancy. In the absence of the Chair and Vice Chair, prior to the meeting, the Chair shall appoint a member of the Commission to serve as Chair Pro-Temp. If a Chair Pro-Temp has not been appointed prior to the meeting, a Member, by a majority vote of the Commission Members present shall be appointed to serve as Chair Pro-Temp. The Chair Pro-temp shall perform all the duties of the Chair for that particular meeting only.
- B. Secretary: The Commission will have a staff secretary, who as part of his/her other Town Staff duties will notify Commission members, alternates and the public of all scheduled meetings; attend all Commission meetings; prepare all correspondence of the Commission; record the proceedings of all hearings and meetings; prepare the minutes of the Commission; assure all documents of the Commission are ready for signature; and perform other duties as specified by the Commission.

- C. Town Planner: The Town Planner shall advise the Planning Commission regarding planning, regulations of development, development and re-development. He/She shall also prepare all documents for presentation to the Planning Commission, with observations, options and recommendations. The Planner will assist the Planning Commission Chair and/or Vice-Chair in the exercise of their duties. The Planner will prepare an agenda for each of the regularly scheduled Commission meetings. The agenda and all required materials will be posted on the Town of Vineyard website and made available to the Commission members with adequate time for review. Duties performed by the Planner may be performed by his/her designee.
- D. Legal Counsel: The Town Attorney or his/her designee shall provide applicable legal counsel for the Planning Commission and its committees.

## **ARTICLE 5:**

### **Committees:**

As necessary the Chair, with the concurrence of the majority of the Commission, may organize special committees for a particular purpose or when an issue at hand is seen to be so complex and time consuming that it cannot be reasonably handled at a Commission meeting. These special committees shall consist of at least one, but not more than two Commission members, appointed by the Chairperson and may include members from the public at-large, but in no case shall include a majority of sitting Commission members. All committees so formed are considered temporary in nature and serve at the will of the Commission.

## **ARTICLE 6:**

### **Conflict of Interest:**

- A. No member of the Commission shall actively participate in any aspect of the decision-making process or discuss any case in which he/she, or anyone closely associated with him/her, may have a perceived or real financial or personal interest in any action brought before the Commission. A Commission Member must declare a potential/real conflict of interest regarding any specific agenda item. After a conflict of interest is determined, a Commission Member may not participate in the discussion and/or vote on any matter where it is perceived or real that a conflict exists. Commission members must comply with the provisions of the Municipal Officers and Employees Ethics Act – Utah Code 10-3-1301 et.seq.

## **ARTICLE 8:**

### **Rules of Order, Procedures and Meeting Conduct:**

- A. Rules of order not specified by statute, ordinance or resolution shall be governed by Robert's Rules of Order. The Town Planner shall serve as parliamentarian, and as such shall advise the Commission

Chair as to correct rules of procedure or questions of specific rule application. The Chair shall decide all points of procedure and order, unless otherwise directed by the majority of the Commission members in attendance.

- B. Any member of the Commission shall have the right to express dissent from, or protest against any recommendation, resolution or decision of the Commission and have the reason therefore entered into the minutes.
- C. During all meetings and hearings, persons providing testimony or comment shall proceed without interruption. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individual citizens. The Chair shall maintain order and decorum. The Chair may determine a specific time limit of speakers at the beginning of any public meeting.
- D. Upon review of the public record on a request and due deliberation by members of the Commission, any member of the Commission, except the Chair, may make a motion and/or second a motion. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, and should conclude with any conditions of approval. The motion may simply refer to the staff report for the detail of the findings. Each motion of the Commission must be seconded, except for motions to amend a motion and motions to adjourn the Commission meeting. If there is no second to a motion it will be considered dead without further action. After a motion is made it may be withdrawn by the author of the motion prior to the vote. When a motion is pending before the Commission, any member may suggest an amendment to the motion without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author of the original motion and the second of the motion in order for it to move forward to amend the stated motion.
- E. Notice of action taken or decision made by the Commission shall be given by the Commission Chair and/or Town Planner to the applicant, petitioner or any party making a written request for such action.
- F. Any and all materials submitted to the Commission for consideration or regarding a request for action shall become property of the Town and be entered into the public record. All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions or record shall constitute the documents of the Commission and shall be indexed as public record.
- G. The specific conduct of Hearings and Public Comment meetings is contained in Attachments one (1) and two (2).

## **ARTICLE 9:**

### **Amendments to the By-Laws:**

These bylaws may be periodically amended by a majority vote of the Commission except where such amendment would be contrary to the requirements of State Law or Town Ordinance. An amendment may be proposed at any meeting of the Commission. Commission members shall receive a copy of the proposed or amended by-laws not less than five (5) working days prior to the meeting at which said proposed changes shall be heard. Recommended amendments shall be forwarded to the Town Council

for final approval. There shall be an annual review of these bylaws, typically during January each year. A legend of all amendments proposed/adopted shall be kept as an attachment to the bylaws indicating the specific amendment proposed, the date of said action and the action(s) taken.



## Attachment 1

### Hearing Procedures:

- A. The Chair is responsible for opening and closing all hearings and comment periods. All persons wishing to make public comment must be recognized by the Chair. The Chair will stipulate the amount of time allocated for each person permitted to speak.
- B. Each person recognized by the Chair to speak will first state his/her name, street of residence and then present his/her remarks. They may also leave a copy of written remarks to be entered in the public record. Public comments will be limited to those listed as agenda items.
- C. General Order of Business:
  - 1. The Chair shall introduce the item/topic for consideration,
  - 2. The applicant or petitioner shall outline the nature of the request and present supporting evidence. Commission members may ask questions of the applicant or staff for clarification,
  - 3. Staff shall give the Commission a brief presentation and explanation of relevant details related to the item, and make recommendations including unique or important aspects requiring particular attention by the Commission. Commission members may ask clarifying questions,
  - 4. The Chair shall open the public comment portion of the hearing and briefly outline how the meeting will be conducted, including time limits for presenters,
  - 5. After presenters have been heard (or allotted time expired), the Chair will close the public comment portion of the hearing,
  - 6. The Chair will allow the applicant or petitioner to address issues or topics raised during the public comment portion,
  - 7. The Chair will invite Commission members to discuss the matter and ask questions of the applicant or petitioner and/or staff and have an open discussion among themselves,
  - 8. The Chair, unless the item is continued to a future meeting date, shall call for a motion to close the public hearing. The motion shall be seconded and voted upon by the Commission,
  - 9. Decision: The Chair will call for a motion, second and vote by the Commission on the application or petition. If the vote is positive, the request is approved and then, if required by code, submitted to the Town Council for final consideration. If substantial public comment was received and there is a need for further study on the part of the Commission, the Chair may receive a motion to continue the item to allow the Commission more time to further review the public comment.
  - 10. Final action is announced by the Commission Chair.

## Attachment 2

### **Public Meeting and Public Hearing Etiquette:**

- A. All public meetings are recorded. All attendees will be asked to silence all of their electronic devices as a condition of attendance.
- B. Those wishing to address the Commission must sign in beforehand, giving their name, street of residence and if applicable the specific agenda item they wish to address. Anyone who fails to sign in shall not be permitted to address the Commission until all those who did sign in have been given the opportunity to be heard. The Chair may establish specific comment time limits (such as from two to three (2-3) minutes for individual participants and from three to five (3-5) minutes for those representing groups or neighborhoods) to facilitate the hearing, give all an equal opportunity to be heard and otherwise control the hearing. The Chair may add additional procedures on a case-by-case basis.
- C. All participants must be recognized by the Chair, will stand (if able), present themselves at a central location (podium or microphone). Accommodation will be made for those not able to stand or present themselves at the podium.
- D. Those addressing the Commission will give their name and street of residence.
- E. Comments will be addressed to the Commission. No disruptions or comments from the audience will be permitted or tolerated. Conversations and dialogue among or between audience members will not be permitted during the comment period as the recording is very sensitive and picks up sidebar conversations, complicating the recording for the public record.
- F. There should be no verbal approval or dissatisfaction expressed from the audience regarding the ongoing comment(s), i.e., applauding, booing, etc., thereby allowing comments to stand on their own merits.
- G. If an individual fails to follow the above rules (or others as stipulated) after being warned once, the Commission may bar that individual from further participation during that meeting. Those participants or attendees not conforming to the above guidelines will be determined to be “out of order” and may be asked to leave the hearing.
- H. Exhibits (photos, petitions, studies, etc.) given to Commission become the property of the Town and incorporated into the public record.
- I. At the discretion of the Chair, the Chair may appoint a meeting facilitator and time keeper (who will normally be members of the Commission or staff) to help manage the meeting.